

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF DELAWARE

SARA S. ECHEVARRIA,	:	
	:	
Plaintiff,	:	Case No.: 05-284 (GMS)
	:	
v.	:	Removed from Superior Court,
	:	New Castle County, Delaware
U-HAUL INTERNATIONAL, INC.,	:	C.A. No.: 05C-03-188 WCC
ROGER MAYFIELD, and	:	
NATIONWIDE GENERAL INSURANCE	:	
COMPANY,	:	
	:	
Defendants.	:	

AFFIDAVIT OF JENNIFER M. KINKUS

STATE OF DELAWARE:

:ss

County of New Castle

Jennifer M. Kinkus, Esquire being first duly sworn upon oath, deposes and says:

1. I am the duly authorized agent of Plaintiff, and have personal knowledge of the facts set forth in this affidavit.

2. On March 16, 2005, Plaintiff filed in this cause a complaint against Defendant Mayfield in the Superior Court of the State of Delaware in and for New Castle County.

3. On May 10, 2005, Defendant U-Haul International, Inc. ("Defendant U-Haul") filed a Notice of Filing Petition for Removal in the Superior Court of the State of Delaware in and for New Castle County and a Notice of Removal in this Court.

4. Defendant Mayfield, a Florida resident, had not yet been served with the Complaint and Summons at the time Defendant U-Haul filed the Notice of Removal. Therefore, Plaintiff attempted to serve Defendant Mayfield in accordance with the Federal Rules of Civil Procedure.

5. On May 20, 2005, Plaintiff served the Secretary of State with the Complaint and Summons for purposes of serving Defendant Mayfield, a Florida resident and on May 26, 2005 Notice was mailed to Defendant Mayfield enclosing the Complaint and Summons.

6. The Notice, Complaint and Summons that had been mailed to Defendant Mayfield was returned to Plaintiff's counsel without having been accepted by Defendant Mayfield.

7. On July 21, 2005, a special process server personally served Defendant Mayfield with the Complaint and Summons.

8. More than twenty (20) days have elapsed since the date on which the defendant was served with the Summons and a copy of the Complaint.

9. Defendant Mayfield has failed to answer or otherwise defend as to Plaintiff's Complaint. He has failed to serve upon attorneys of record for Plaintiff or file with the Court a copy of any answer or other defense that he might have had.

10. Defendant Mayfield is not an infant, incompetent person or in the active military service.

11. This affidavit is executed by affiant in accordance with Federal Rule of Civil Procedure 55(a), for the purposes of enabling Plaintiff to obtain an entry of default against Defendant Mayfield for his failure to answer or otherwise defend as to Plaintiff's Complaint.

Jennifer M. Kinkus
Jennifer M. Kinkus

SWORN TO AND SUBSCRIBED before me this 15th day of August
_____, 2005.

Karen A. White
Notary Public

My Commission Expires: _____

KAREN A. WHITE
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires April 26, 2006